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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	Case No. 08-20297-RLJ-7
	§	
RALPH LYLE CRUM,	§	Chapter 07
Debtor.	§	
	§	

CERTIFICATION TO COURT OF APPEALS BY ALL PARTIES

A Notice of Appeal was filed by Ralph Lyle Crum, Debtor in the above styled and numbered cause on April 27, 2009. Debtor, along with Kent Ries, Trustee, and Randi Crum (a creditor), constitute all the appellants and all the appellees, hereby certify to the Court under 28 U.S.C. Section 158(d)(2)(A) that a circumstance specified in 28 U.S.C. Section 158(d)(2) exists as stated below.

1. Leave to appeal is not required under 28 U.S.C. Section 158(a).
2. This certification arises in a appeal from a final judgment, order, or decree of the United States Bankruptcy Court for the Northern District of Texas entered on April 16, 2009. There are no motions filed that require a ruling by the bankruptcy court, and said order of April 16, 2009 is a appealable order.
3. Debtor contends that the primary issues of appeal are:
 - (a.) Whether the trial court's application of *In re Zibman*, 268 F.3d 298 (5th Cir. 2001) has any application to Debtor's claim under the "snap shot rule" that \$254,902.04 of the Debtor's funds

which were withdrawn from a qualified, IRA less than 60 days prior to filing bankruptcy, are exempt from claims against the estate under 11 U.S.C. Section 522(d)(12), and other statutes and common law relied upon by Debtor;

(b.) whether Debtor was forced to an election of exemptions under 11 U.S.C. Section 522b(2) and (3), and/or Section 522(d) as decided by the trial court;

(c.) whether the 60 day “tolling rule” which applies to the reinvestment of IRA funds in order to maintain their exempt status, after withdrawal from a qualified IRA, must be strictly applied, where as here, (i) the Trustee objected to Debtor’s exemption of the IRA funds, claiming same as an asset of the estate, and thereby effectively prohibited Debtor’s reinvestment of the funds within the necessary 60 day period; (ii) the fund manager misrepresented the IRA status of the funds to Debtor, after Debtor attempted to reinvest the withdrawn funds less than 60 days prior to bankruptcy;

(d.) whether all statutes claimed by Debtor as a basis to exempt the withdrawn IRA funds were properly overruled by the trial court.

4. The Trustee, and Creditor Randi Crum, contend that the bankruptcy court’s opinion and ruling sustaining their objections to Debtor’s exemptions are substantially correct; and, while there may be no case directly on point, the authorities cited by the trial court support the court’s decision, and are in keeping with current principals of law and related rulings of the Fifth Circuit Court of Appeals; and that regardless of any decision rendered by the District Court on appeal, the appeal would eventually be decided by the Fifth Circuit.

5. Therefore, the parties agree that a direct appeal from the judgment, order, or decree of the bankruptcy court will materially advance the progress of the case or proceeding in which the appeal is taken, because the main bankruptcy case has been pending since May 30, 2008, and the

Estate holds substantial assets, and the main proceeding cannot be closed until a final determination is made resolving this dispute. Therefore, the parties agree that allowing an direct appeal to the Fifth Circuit will materially advance the progress of the bankruptcy case.

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